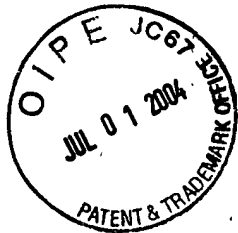


3739
JFW



PATENT

Atty. Docket No: 2537

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Philip P.M. Finch, et al.

SERIAL NO. : 09/739,428

EXAMINER: Aaron F. Roane

FILED : December 18, 2000

GROUP ART UNIT:3739

FOR : APPARATUS FOR THERMAL TREATMENT
OF AN INTERVERTEBRAL DISC

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed June 1, 2004, please
amend the application as follows:

REMARKS

The present Amendment is submitted in response to the Office
Action dated June 1, 2004. The Examiner required restriction to one of the
following:

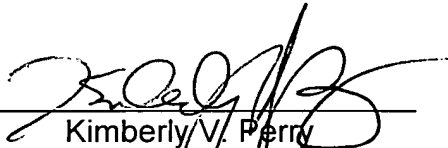
- I. Claims 1-19, drawn to a treatment apparatus;
- II. Claims 20-36, drawn to a method of treatment.

Applicants provisionally elect to prosecute claims 20-36. Please cancel claims 1-19 without prejudice. Group I identified by the Examiner is classified in class 606, subclass 41 and Group II is classified in class 606, subclass 32, according to the Examiner. Search and examination of the entire application can be made without serious burden. Accordingly, the Examiner must examine the entire application on the merits under MPEP 803. Accordingly, the Restriction Requirement should be withdrawn.

Prompt and favorable consideration of this application is respectfully requested.

Respectfully submitted,

Dated: 6/29/04


Kimberly V. Perry
Registration No.: 43,612
Attorney for Applicants

U.S. Surgical, a division of
TYCO HEALTHCARE GROUP LP
150 Glover Avenue
Norwalk, CT 06856
(203) 845-4562



PATENT

Atty. Docket No: 2537

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Philip P.M. Finch, et al.

SERIAL NO. : 09/739,428

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FILED : December 18, 2000 **GROUP ART UNIT :3739**

FOR : **APPARATUS FOR THERMAL TREATMENT
OF AN INTERVERTEBRAL DISC**

CERTIFICATE OF MAILING

Date of Deposit: June 29, 2004

I hereby certify that the following:

☒ This Certificate of Mailing

☒ Response to Restriction Requirement dated June 1, 2004

☒ Return postcard

are being deposited with the United States Postal Service first-class mail on the Date of Deposit indicated above in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Vanessa M. Rosado
Vanessa M. Rosado

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